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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Neil Rusty Bond,

10 Plaintiff,

11 v.

12 Commissioner of Social Security  
13 Administration,

14 Defendant.

No. CV-19-04933-PHX-JAT

**ORDER**

15 Pending before the Court is Plaintiff Neil Rusty Bond's motion to reconsider  
16 (Doc. 46). Plaintiff seeks reconsideration of the Court's order dated June 19, 2020  
17 (Doc. 44), which resulted in judgment in his favor (Doc. 45). (Doc. 46). District of Arizona  
18 Local Rule of Civil Procedure 7.2(g) governs motions for reconsideration. It provides:

19 The Court will ordinarily deny a motion for reconsideration of an Order  
20 absent a showing of manifest error or a showing of new facts or legal  
21 authority that could not have been brought to its attention earlier with  
22 reasonable diligence. Any such motion shall point out with specificity the  
23 matters that the movant believes were overlooked or misapprehended by the  
24 Court, any new matters being brought to the Court's attention for the first  
25 time and the reasons they were not presented earlier, and any specific  
26 modifications being sought in the Court's Order. No motion for  
27 reconsideration of an Order may repeat any oral or written argument made  
28 by the movant in support of or in opposition to the motion that resulted in the  
Order. Failure to comply with this subsection may be grounds for denial of  
the motion.

LRCiv 7.2(g).

1 Plaintiff has not asserted there was manifest error in the Court's prior order  
2 (Doc. 44), nor has he provided any new facts or legal authority for the Court to consider.  
3 In the order Plaintiff seeks reconsideration of, the Court ordered the Commissioner "to  
4 modify the amount of Plaintiff's overpayment to \$30,929.16." (Doc. 44 at 3). Although  
5 Plaintiff previously argued that he should get a new hearing before the Administration as  
6 he asserted that the overpayment amount was lower than \$30,929.16, (Doc. 43 at 6, 9–10),  
7 Plaintiff also agreed with the Commissioner that the Court should remand to the  
8 Commissioner to reimburse Plaintiff for the amount of Plaintiff's benefits that were  
9 withheld in excess of \$30,929.16, (*id.* at 10). It was that narrow point of agreement that  
10 served as the basis for the Court's order remanding the case to the Commissioner for  
11 reimbursement of any amount over \$30,929.16. Plaintiff rearticulates that he should get a  
12 hearing before the Administration because he believes the overpayment amount is lower  
13 than \$30,929.16. (Doc. 46). Because Plaintiff identifies no error by the Court and because  
14 he does not raise any new facts or legal authority for the Court's consideration, the Motion  
15 (Doc. 46) does not comply with Local Rule 7.2(g), and it may be denied on that basis alone.

16 However, Plaintiff's Motion (Doc. 46), even if considered on its merits, still fails.  
17 The Court recognizes that Plaintiff previously sought and now again seeks a hearing before  
18 the Administration to argue that the overpayment amount should be lower than \$30,929.16.  
19 (Doc. 43 at 9–10; Doc. 46 at 5–6). But, that number—\$30,929.16—is based on Plaintiff's  
20 court-ordered restitution to the Administration. *See United States v. Bond*, No. CR-03-  
21 00974-DGC, slip op. at 1–2 (D. Ariz. Nov. 05, 2010) (order amending judgment in a  
22 criminal case); (*see also* Doc. 1-1 at 9–10 (copy of amended restitution order)). Plaintiff  
23 specifically noted in his response to the Commissioner's motion to remand that he was not  
24 requesting that the Court "grant Plaintiff a new [criminal] trial or order relitigation of  
25 Plaintiff's 28 U.S.C. § 2255 proceeding[]." (Doc. 43 at 9). It was that § 2255 proceeding  
26 that resulted in an amended judgment that required Plaintiff to pay restitution to the  
27 Administration in the amount of \$30,929.16. Consequently, there is a basis independent  
28 from the Administration's review of Plaintiff's overpayment amount that required Plaintiff

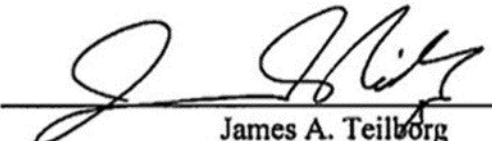
1 to pay the Administration \$30,929.16. A hearing before the Administration would thus be  
2 pointless.

3 Based on the foregoing,

4 **IT IS ORDERED** that Plaintiff's Motion (Doc. 46) is **DENIED**.

5 Dated this 2nd day of July, 2020.

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James A. Teilborg  
Senior United States District Judge